

**INLAND WETLANDS AGENCY
MEETING MINUTES**

SEPTEMBER 20, 2004

PRESENT: Ken Braga, Kim Flannery, Margo Wheeler, Sanford Cohen, James Maitland, Adam Barber and Alternates Donald McConnell and Christine Murphy

ABSENT: Alternate Jean Burns

STAFF

PRESENT: Matt Davis, Town Planner, Kristin Michaud, Recording Secretary and Richard Kalva, ZEO

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:30 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. Hearing Regarding Cease and Desist ORDER, dated September 11, 2004 issued to Daniel Shustock for violations at #379 Somers Road (APN #122-008-0002).

TIME: 7:33 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, D. McConnell, K. Flannery, A. Barber

M. Davis reviewed the order and history of the project's compliance. Members of the audience complained vigorously about past offenses and the owner's failure to address these matters.

MOVED (MCCONNELL), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO UPHOLD THE CEASE & DESIST ORDER, REVOKE INLAND WETLANDS PERMIT #IW200128, IMPOSE THE MAXIMUM FINE PERMISSIBLE BY LAW, & TO DIRECT THE TOWN ATTORNEY TO IMMEDIATELY PURSUE ANY ACTIONS AVAILABLE BY LAW TO ENFORCE THIS ACTION.

2. Hearing Regarding Cease and Desist ORDER, dated September 11, 2004 issued to Brian Kocher for violations at #24 Ludwig Road (APN #109-006-0000).

TIME: 7:48 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, K. Flannery, A. Barber, S. Cohen

MOVED (COHEN), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO CONTINUE THE SHOW CAUSE HEARING TO THE OCTOBER 18, 2004 MEETING.

THE COMMISSION TABLED ITEM 3 UNDER PUBLIC HEARINGS TO THE END OF THE AGENDA.

IV. UNFINISHED BUSINESS:

1. Draft Amendments to Inland Wetland Regulations.

BY CONSENSUS, THE AGENCY TABLED THIS ITEM TO THE OCTOBER 18, 2004 MEETING.

V. NEW BUSINESS:

1. #IW200430 – Don Ciarleglio for a Permit to Conduct Activity within an Area of Influence for a single family home on property located at Crane Road, APN 060-001-0000.

TIME: 8:00 PM

SEATED: M. Wheeler, K. Braga, C. Murphy, J. Maitland, K. Flannery, A. Barber

Mark Peterson, Gardner & Peterson, came forward for the applicant. He explained they would be using the existing culvert, all leach fields are outside of the regulated area, all disturbance will be near the pond there will be no watershed to the brook and the owners didn't want to disturb the trees on the property that is why the home cannot be moved.

BY CONSENSUS, THE COMMISSION CONTINUED THIS ITEM TO THE OCTOBER 18, 2004 MEETING IN ORDER TO FOR THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION.

2. #IW200431 – Michael Agranoff for a Permit to Conduct Activity within an Area of Influence for replacement of existing retaining wall on property located at 101West Shore Road, APN 168-126-0000.

TIME: 8:25 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, K. Flannery, A. Barber, S. Cohen

Attorney Agranoff came forward to explain the plan. He explained the wall is collapsing and it needs to be repaired.

Chairman Braga, needs more information. He wants pins in the property lines, an A-2 survey, wants to see what the wall would look like and an erosion control plan.

BY CONSENSUS, THE AGENCY DECIDED TO HOLD A PUBLIC HEARING IN THE PUBLIC INTEREST FOR #IW200431 & SCHEDULED THE HEARING FOR THE OCTOBER 18, 2004 MEETING.

3. #IW200432 – Peter Sirois for a Permit to Conduct Activity within an Area of Influence for a 3 lot subdivision on property located at 41 Newell Hill Road, APN 127-013-0000.

TIME: 8:26 PM

SEATED: K. Braga, C. Murphy, J. Maitland, D. McConnell, K. Flannery, S. Cohen

John Tarbox came forward for the applicant. He explained that there is 5 ½ acres to split it into three lots two new lots and one existing. Only a very small portion of the site is within the 250' upland review area.

MOVED (MURPHY), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200432 – PETER SIROIS.

MOVED (COHEN), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO APPROVE #IW200432 – PETER SIROIS.

4. #IW200433 – Jolyn II, LLC for a Permit to Conduct Regulated Activity within an Area of Influence for installation of storm drainage, retention pond and associated improvements relating to a residential resubdivision on properties located at Ellsworth Lane & Extension of Benjamin Drive, APN 118-004-0000 & 101-005-0000.

TIME: 8:30 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, C. Murphy, K. Flannery, A. Barber

Russ Heintz, Tarbell & Heintz, came forward for the applicant. He explained that no wetlands would be disturbed and a portion of the drainage will be sent to an existing detention pond.

Chairman Braga read Jim Thompson's letter dated 9/20/04 into record.

BY CONSENSUS, THE AGENCY DECIDED TO HOLD A PUBLIC HEARING IN THE PUBLIC INTEREST FOR #IW200433 & SCHEDULED THE HEARING FOR THE OCTOBER 18, 2004 MEETING.

5. #IW200434 – Jason Kloter for a Permit to Conduct Regulated Activity within an Area of Influence for a shed on property located at 5 Hilltop Drive, APN 020-048-0000.

TIME: 8:40 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, C. Murphy, A. Barber, S. Cohen

Jason Kloter came forward to explain the application. He would like his shed to be next to the house and to the right of garage. The shed would be located with the upland review area.

MOVED (WHEELER), SECONDED (FLANNERY) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200434 – JASON KLOTER.

THE AGENCY WILL TAKE ACTION ON THIS ITEM AT THE OCTOBER 18, 2004 MEETING.

6. #IW200435 – David & Kim Flannery for a Permit to Conduct Regulated Activity within an Area of Influence to modify an existing Wetlands permit to include 4" roof drains on property located at 256 Sandy Beach Road, APN 129-036-0000.

TIME: 8:45 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, D. McConnell, A. Barber, S. Cohen

David Flannery came forward to explain the plan and the addition of drains within the upland review area.

MOVED (MCCONNELL), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO MAKE A FINDING OF NON-SIGNIFICANT ACTIVITY FOR #IW200435 – DAVID & KIM FLANNERY.

THE AGENCY WILL TAKE ACTION ON THIS ITEM AT THE OCTOBER 18, 2004 MEETING.

VI. ADMINISTRATIVE BUSINESS:

1. Discussion of the Build Out Report (transmittal from the First Selectman)

MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED (RECUSED: S. COHEN) TO ENDORSE THE RECOMMENDATIONS IN THE BUILD OUT REPORT & TO INCORPORATE ALL THE RECOMMENDATIONS IMMEDIATELY.

2. Discussion of "CenterEdge"

M. Davis provided the Inland Wetland Agency with an overview and update, including the possibility of a community meeting in October.

3. Approval of the August 16, 2004 meeting minutes.

MOVED (MCCONNELL), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO APPROVE THE AUGUST 16, 2004 MEETING MINUTES.

4. Correspondence:

- a. Letter to Dennis Milanovich from the State of Connecticut DEP dated, 8/26/04.
- b. Memo to EDC, PZC and CC from Matt Davis dated, 8/30/04.
- c. Letter to Thomas Trueb from Richard Kalva dated, 9/1/04.
- d. Memo to Dennis Milanovich from Matt Davis dated, 9/8/04.
- e. Memo to Dennis Milanovich from Matt Davis dated, 9/13/04.
- f. Office hours report and memo from Matt Davis dated, 9/13/04.
- g. The Habitat Summer 2004.
- h. Ad Hoc Design Review Board Minutes and Agenda.

THE COMMISSION ADDRESSED ITEM 3 UNDER PUBLIC HEARINGS AT THIS TIME.

3. Hearing Regarding Cease and Desist ORDER, dated July 23, 2004 issued to Bruce D. and Karen J. Luginbuhl for violations at #34 Ludwig Road (APN #109-006-0002) and on adjacent land of Stephen D. Williams located off Wheelock Road (APN #126-009-0000).

TIME: 8:59 PM

SEATED: M. Wheeler, K. Braga, J. Maitland, D. McConnell, A. Barber, S. Cohen

The commission reviewed the driveway as-built and wetlands report addendum. After considerable discussion, including comments from audience members, the Inland Wetland Agency felt they had sufficient information to render their opinion on the order.

MOVED (MAITLAND), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO CLOSE THE SHOW CAUSE HEARING FOR BRUCE & KAREN LUGINBUHL.

MOVED (COHEN), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO UPHOLD THE CEASE & DESIST ORDER & TO MODIFY THE ORDER AS FOLLOWS:

- 1) **CONCRETE PIPE & RELATED IMPROVEMENTS TO BE INSTALLED AS ORIGINALLY PERMITTED;**

- 2) SECOND (15") PIPE & RELATED IMPROVEMENTS TO BE INSTALLED AS ORIGINALLY PERMITTED;**
- 3) ALL REMEDIAL ACTIONS AS OUTLINED IN JOHN IANNI'S REPORTS;**
- 4) STABILIZATION OF DRIVEWAY SIDE SLOPES AT DIRECTION OF TOWN ENGINEER IN COMPLIANCE WITH APPLICABLE STATE/FEDERAL STANDARDS & BEST MANAGEMENT PRACTICES;**
- 5) POSTING OF BOND & RELATED AGREEMENT IN AN AMOUNT TO BE DETERMINED BY THE TOWN ENGINEER SUFFICIENT TO GUARANTEE COMPLETION OF ALL REQUIRED WORK, PROPER EROSION CONTROLS, & REQUIRED REMEDIATION;**
- 6) ALL REQUIRED WORK TO BE COMPLETED PRIOR TO ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE & PURSUANT TO A SPECIFIC TIMETABLE TO BE DEVELOPED BY THE TOWN ENGINEER.**

VII. ADJOURNMENT:

MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 10:10 P.M.

Respectfully Submitted,

Kristin Michaud
Recording Secretary